

Assembly Bill No. 2012

CHAPTER 452

An act to amend Sections 4327, 4497.50, and 4497.52 of, to amend the heading of Chapter 2.5 (commencing with Section 4325) of Title 4 of Part 3 of, to repeal Sections 4326 and 4329 of, and to repeal and add Section 4325 of, the Penal Code, relating to jails.

[Approved by Governor September 22, 2016. Filed with
Secretary of State September 22, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2012, Bigelow. Jail Industry Authority.

Existing law authorizes the board of supervisors in specified counties, as part of a pilot jail industry program not to exceed 4 years, to establish, with the concurrence of the county sheriff, a Jail Industry Commission for that county. Existing law also requires the county board of supervisors, upon the establishment of a commission, to create a Jail Industries Fund, as specified, which may be used to fund specified purposes. Existing law specifies the composition of these commissions.

This bill would repeal the authorization to create a Jail Industry Commission as a pilot program, and would instead authorize the board of supervisors of the Counties of Lake, Los Angeles, Madera, Sacramento, San Diego, San Joaquin, San Luis Obispo, Sonoma, Stanislaus, Tulare, Tuolumne, and Ventura to authorize the county sheriff or county director of corrections to create a Jail Industry Authority, as specified. The bill would also make conforming changes.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Counties of Lake, Los Angeles, Madera, Sacramento, San Diego, San Joaquin, San Luis Obispo, Sonoma, Stanislaus, Tulare, Tuolumne, and Ventura.

The people of the State of California do enact as follows:

SECTION 1. (a) It is the intent of the Legislature in enacting this act to encourage counties that establish and operate jail industries to provide a program that will increase the likelihood of inmate success upon release and to decrease recidivism by obtaining long-term high-paying jobs.

(b) It is also the intent of the Legislature, upon the implementation of the jail industry program, that small businesses and disabled veteran businesses be provided every opportunity to have equal and competitive opportunities to provide goods and services to facilitate the operations of the county-run jail facilities.

SEC. 2. The heading of Chapter 2.5 (commencing with Section 4325) of Title 4 of Part 3 of the Penal Code is amended to read:

CHAPTER 2.5. JAIL INDUSTRY AUTHORITY

SEC. 3. Section 4325 of the Penal Code is repealed.

SEC. 4. Section 4325 is added to the Penal Code, to read:

4325. (a) The board of supervisors of the Counties of Lake, Los Angeles, Madera, Sacramento, San Diego, San Joaquin, San Luis Obispo, Sonoma, Stanislaus, Tulare, Tuolumne, and Ventura may authorize, by ordinance or resolution, the sheriff or county director of corrections to create a Jail Industry Authority within the county jail system.

(b) The purpose of the Jail Industry Authority includes all of the following:

(1) To develop and operate industrial, agricultural, or service enterprises or programs employing prisoners in county correctional facilities under the jurisdiction of the sheriff or county director of corrections.

(2) To create and maintain working conditions within the enterprises or programs as similar as possible to those that prevail in private industry.

(3) To ensure prisoners have the opportunity to work productively and earn funds, if approved by the board of supervisors pursuant to Section 4019.3, and to acquire or improve effective work habits and occupational skills.

(4) To allow inmates who participate in the enterprise or program the opportunity to earn additional time credits allowed under Section 4019.1 or 4019.4, if authorized by the sheriff or county director of corrections.

(5) To operate a work program for inmates in county correctional facilities that will ultimately be self-supporting by generating sufficient funds from the sale of products and services to pay all the expenses of the program and that will provide goods and services that are or will be used by the county correctional facilities, thereby reducing the cost of its operation.

SEC. 5. Section 4326 of the Penal Code is repealed.

SEC. 6. Section 4327 of the Penal Code is amended to read:

4327. Upon the establishment of the Jail Industry Program or Jail Industry Authority, the board of supervisors shall establish a Jail Industries Fund, which may be a revolving fund, for funding the operations of the program. All jail industry income shall be deposited in, and any prisoner compensation shall be paid to the account of the prisoner from, the Jail Industries Fund.

SEC. 7. Section 4329 of the Penal Code is repealed.

SEC. 8. Section 4497.50 of the Penal Code is amended to read:

4497.50. In order to be eligible to receive funds derived from the issuance of General Obligation Bonds under the County Correctional Facility Capital Expenditure and Youth Facility Bond Act of 1988, a county or city and county shall do all of the following:

(a) In the design and planning of facilities whose construction, reconstruction, or remodeling is financed under the County Correctional Facility Capital Expenditure and Youth Facility Bond Act of 1988, products for construction, renovation, equipment, and furnishings produced and sold by the Prison Industry Authority or local Jail Industry Authorities shall be utilized in the plans and specifications unless the county or city and county demonstrates either of the following to the satisfaction of the Board of State and Community Corrections or the Department of Corrections and Rehabilitation, Division of Juvenile Justice.

(1) The products cannot be produced and delivered without causing delay to the construction of the property.

(2) The products are not suitable for the facility or competitively priced and cannot otherwise be reasonably adapted.

(b) Counties and cities and counties shall consult with the staff of the Prison Industry Authority or local Jail Industry Authority to develop new products and adapt existing products to their needs.

(c) The Board of State and Community Corrections or the Department of Corrections and Rehabilitation, Division of Juvenile Justice, shall not enter into any contract with any county or city and county until that county's or city and county's plan for purchase from and consultation with the Prison Industry Authority or local jail industry program is reviewed and approved by the Board of State and Community Corrections or the Department of Corrections and Rehabilitation, Division of Juvenile Justice.

SEC. 9. Section 4497.52 of the Penal Code is amended to read:

4497.52. Notwithstanding any other provision of law, a county or city and county may contract for the purchase of products as specified in Section 4497.50 with the Prison Industry Authority or local Jail Industry Authority without the formality of obtaining bids or otherwise complying with provisions of the Public Contract Code.

SEC. 10. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique needs of the Counties of Lake, Los Angeles, Madera, Sacramento, San Diego, San Joaquin, San Luis Obispo, Sonoma, Stanislaus, Tulare, Tuolumne, and Ventura.